

ASHBY & GEDDES

ATTORNEYS AND COUNSELLORS AT LAW
222 DELAWARE AVENUE
P. O. BOX 1150
WILMINGTON, DELAWARE 19899

TELEPHONE
302-654-1888
FACSIMILE
302-654-2067

February 15, 2006

VIA E-FILING & HAND DELIVERY

The Honorable Joseph J. Farnan, Jr.
United States District Court
844 King Street
Wilmington, Delaware 19801

RE: *Creedon Controls, Inc. v. Banc One Building Corporation, et al.*,
C.A. No. 05-300-JJF

Dear Judge Farnan:

We, along with Paul Hastings Janofsky & Walker, LLP, represent defendant Banc One Building Corporation ("BOBC") in this action. We write to provide the Court a status report on the parties' efforts to revise and extend the current Scheduling Order pursuant to the Court's February 2, 2006 Memorandum Order (the "Order").

In the Order, the Court required the parties to "confer and agree, no later than February 15, 2006, on an extension of the Scheduling Order as to document production, written discovery, and non-expert depositions." Order at ¶ 2. Consistent with the Court's direction, BOBC contacted counsel for the other parties in this action to confer upon and establish a revised Scheduling Order. To date, and despite efforts to confer with each party, BOBC has only reached agreement with Forest Electric Corporation ("FEC") on a proposed, revised Scheduling Order. Although exchanges continue with counsel for Plaintiff Creedon Controls, Inc. ("Creedon"), Creedon has not agreed to this revised schedule. Accordingly, BOBC and FEC jointly propose a revised schedule as follows:

- March 2, 2006 - all motions to join other parties due
- March 14, 2006 - completion of interrogatories, identification of fact witnesses and document production
- March 15, 2006- currently scheduled mediation conference
- June 14, 2006 - completion of non-expert depositions
- June 28, 2006 - all motions to amend the pleadings are due
- June 30, 2006 - expert report due from Plaintiffs

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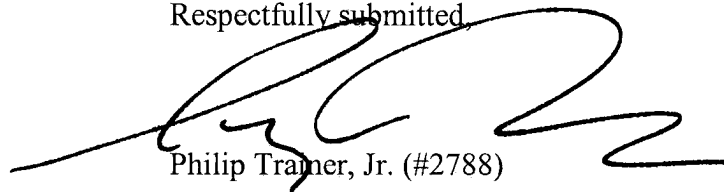
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- July 31, 2006 - expert report due from Defendants
- August 18, 2006 - case dispositive motions are due

BOBC and FEC understand that Creedon may submit to the Court a competing proposal or suggest that particular aspects be scheduled differently. For instance, it is BOBC's and FEC's understanding that Creedon insists that depositions (at least of defendant witnesses) be scheduled *prior to* the commencement of a mediation session currently scheduled for March 15, 2006. BOBC and FEC respectfully submit that any such schedule will unduly burden both BOBC and FEC, and yield an untenable timetable. Moreover, there is no particular basis to believe that the depositions must proceed before the parties would be able to engage in fruitful mediation, assuming appropriate interest and good will on all sides. As the Court previously recognized in putting over the original schedule, "Plaintiff will not be unduly prejudiced" given that "[t]rial will not commence until, at the earliest, December 2006." Accordingly, BOBC and FEC respectfully request the Court enter a revised Scheduling Order consistent with the schedule set forth above.

Of course, should the Court have any questions, we are available at the Court's convenience.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Philip Trainer, Jr.", with a stylized, flowing script.

Philip Trainer, Jr. (#2788)

RP/kmm

cc: Paul Bradley, Esq. (*via e-filing*)

Robert Beste, Esq. (*via e-filing*)

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